

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JOHN E. REARDON,	:	
	:	Civ. No. 13-5363
	:	(NLH) (AMD)
Plaintiff,	:	
	:	
v.	:	MEMORANDUM OPINION & ORDER
	:	
STATE OF NEW JERSEY, et al.,	:	
	:	
Defendants.	:	

Appearances:

JOHN E. REARDON
1 JOANS LANE
BERLIN, NJ 08009
Pro Se Plaintiff

BRIAN P. WILSON
STATE OF NEW JERSEY
OFFICE OF THE ATTORNEY GENERAL
DIVISION OF LAW
25 MARKET STREET
P.O. BOX 112
TRENTON, NJ 08625
Attorney for Defendants State of New Jersey, the Hon. Victor Ashrafi, J.A.D., the Hon. Margaret M. Hayden, J.A.D., the Hon. Edith K. Payne, J.S.C., the Hon. Anthony M. Pugliese, J.S.C. and the Hon. Ronald J. Freeman, J.S.C. (retired)

HILLMAN, District Judge

WHEREAS, on January 7, 2015, this Court having denied plaintiff's second motion for leave to file an amended complaint [26] and plaintiff's motion for reconsideration of the Court's June 27, 2014 Opinion dismissing his complaint and denying his first motion for leave to file an amended complaint [22]; and

On February 6, 2015, plaintiff having filed two motions,

which were docketed on February 9, 2015:

(1) "MOTION to Set Aside the Order of Dismissal of this Case and for Leave to Amend" [36], and

(2) "MOTION for Relief Under F.R.Civ.Proc. 60(b)(1)" [37]; and

On February 20, 2015, plaintiff having sent the Clerk of the Court a letter, in which he states, in relevant part,

"[T]he plaintiff does ask this court to dismiss and ignore the motion of reconsideration of 2/6/15 and papers recently sent in on 2/16/15 and not consider such motion so that the plaintiff may proceed on the new lawsuit based upon the rights denied by the state as set out in Statements 6 and 8 of the recent motion."

(Docket No. 40); and

The Clerk of the Court having terminated plaintiff's "MOTION for Relief Under F.R.Civ.Proc. 60(b)(1)" [37]; but

Remaining pending is plaintiff's "MOTION to Set Aside the Order of Dismissal of this Case and for Leave to Amend" [36]; and

Even though plaintiff's letter is unclear, the Court construing plaintiff's February 20, 2015 letter to ask that both of his pending motions be withdrawn; but

To the extent that plaintiff intended to only withdraw the "MOTION for Relief Under F.R.Civ.Proc. 60(b)(1)" [37] and leave his "MOTION to Set Aside the Order of Dismissal of this Case and for Leave to Amend" [36] pending, the Court finding that it fails for the same reasons as his prior motions, as expressed in the Court's January 7, 2015 Opinion;

Accordingly,

IT IS on this 2nd day of July, 2015

ORDERED that the Clerk shall reopen the case and shall make a new and separate docket entry reading "CIVIL CASE REOPENED"; and it is further

ORDERED that plaintiff's "MOTION to Set Aside the Order of Dismissal of this Case and for Leave to Amend" [36] be, and the same hereby is, DENIED; and it is further

ORDERED that the Clerk shall re-close the file and make a new and separate docket entry reading "CIVIL CASE TERMINATED."

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.